***THE HONOURABLE SRI JUSTICE A.GOPAL REDDY**

+WP No.10216/2004 and batch

-

% TWENTIETH DAY OF DECEMBER, TWO THOUSAND FOUR

J.Kullayappa ..Petitioner

Vs.

$ Artillery Center, Golconda, Hyderabad.and another
..Respondents

! Counsel for the writ petitioners: Sri T. Jagdish

^ Counsel for the respondents: Sri A.Rajasekhar Reddy, Standing Counsel for Central Government

< Gist:

>Head Note

?1. AIR 1980 AP 100

2. AIR 1983 MP 872

3. AIR 1985 SC 872

4. (2002) 8 SCC 182

5. 2002 Supp (2) ALD 825 (DB)

6. 1980 APHN 145

7. (1999) 6 SCC 237

8. (2003) 4 SCC 557

9. AIR 1990 SC 1480

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

W.P.Nos. 10216, 10220, 10221,10222 , 10223, 10224,

10225,10226, 10228, 10229, 10230, 10231, 10232,

10233,10286, 10287, 10288, 10289, 10290, 10291,

10293, 10294, 10296, 10297, 10298,10299, 10300,

10301, 10307, 10292, 10348, 10746, 10747, 10749,

10750, 10751, 10752, 10754, 10755, 10783, 10792,

,10798, 11081 and 11552 and 2004

WP NO.10216/2004

Between:

Mr.J.Kullayappa, S/o.Venkat Narayana,
R/o.9-1-333/2/1/25, Bapughat Nagar.
Langar House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad.
2 The Estate officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of Mandamus calling for the records relating to and in connection with the C.M.A.No.363 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003, on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional violative of principles of natural justice under Articles 14, 16 19 (1) (g), 21 and 300-A of the constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents.: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10220 of 2004

Between:

Mr. K. Anjaiah @ Anjaneyulu S/o. K. Narasimha,
R/o. 9-1-333/2/1/A/20, Bapughatnagar, Langur House, Hyderabad..

..... PETITIONER

AND

1 ALTILLERY CENTER, GOLCONDA, HYDERABAD REPRESENTED BY ITS CENTER ADJT.
2 THE ESTATE OFFICER-CUMCOMMANDANT, HEADQUARTERS ANDHRA SUB-AREA AT BOLARAM, SECUNDERABAD.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA. NO. 391 of 2003 confirming there under the order passed in Case No. 3995/1ARTY/Q3L OF 2003, Dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal unconstitutional, violative of principles of natural justice under Articles 14, 16, 19 (1) (g) , 21 and 300A of the constitution of India..

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10221 of 2004

Between:

Mr. A. Sailu, S/o. Jangaaih,
R/o. 9-1-333/2/1/A/20, Bapughat Nagar, Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad. Rep by its Centre ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A. No. 357 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16, 19(1) (g), 21 and 300-A of the Constitution of India and pass

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10222 of 2004

Between:

Mr. K. Satyanarayana Rao, S/o K. Bheem Rao,
R/o 9-1-333/2/1/2/24, Bapughat Nagar, Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, Represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Headquarters, Andhra Sub Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA.No. 361 of 2003 confirming there under the order passed in Case No. 3995/1/ARTY/S/Q3Lof 2003, dated 11-10-2003, on the file of respondent No.2 herein at the issuance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16 , 19 (1) (g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advcoate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10223 of 2004

Between:

Mr. J. Chandraiah S/o. J. Balaiah
R/o. 9.1.333/2/1/A/23, Bapugat Nagar, Langur House, Hyderabad..

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad represented by its Center ADJT.
2 The Estate Officer-cum Commandant, Headquarters Andhra sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA. NO. 372 of 2003 confirming there under the order passed in Case No. 3995/1ARTY/Q3L OF 2003, Dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal unconstitutional, violative of principles of natural justice under Articles 14, 16, 19 (1) (g) , 21 and 300A of the constitution of India..

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10224 of 2004

Between:

Mrs. N. Chandramma, W/o. Laxmaiah,
R/o. 9-1-333/2/1/A/4, Bapughat Nagar, Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Head Quarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 354of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10225 of 2004

Between:

Mr. N. Pochaiah S/o. N. Mallaiah
R/o. 9-1-333/2/1/A/20, Bapughat Nagar, Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus calling for the records relating to and in connection with the C.M.A.NO.371 OF 2003 confirming thereunder the order passed in CASE NO. 3995/1/ARTY/S/Q3L of 2003 ,

dt. 11.10.2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14,16,19(1)(g), 21 and 300 -A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10226 of 2004

Between:

Mrs. Nagamma, W/o. Manikya Rao,
R/o. 9-1-333/2/17, Bapughat Nagar, Langur House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad.
Represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Headquarters Andhra Sub-Area at Bolaram,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 373of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10228 of 2004

Between:

Mr. R. Sambaiah, S/O. R.Kondaiah,
R/O. 9-1-333/2/1/A/40, Bapughat Nagar, Langur House,Hyd.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Headquarters Andhra Sub-Area at Bolaram,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus calling for the records relating to and in connection with the C.M.A.NO.352 OF 2003 confirming there -under the order passed in CASE NO. 3995/1/ARTY/S/Q3L of 2003 , dt. 11.10.2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14,16,19(1)(g), 21 and 300 -A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH

For the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10229 of 2004

Between:

D. Venayaseela, D/o. A. Bhasker,
R/o. 9-1-333/2/1/9, Bapughat Nagar, Langer House, Hyderabad - 500 008.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Rep by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area At Bolaram,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of WRIT OF OF MANDAMUS calling for the records to and in connection with the C.M.A. No. 350 of 2003 confirming there-under the order passed in Case Bi, 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16,19(1)(g), 21 and 300-A of the constitution of India and pass

For the Petitioner:MR.T.JAGDISH

For the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10230 of 2004

Between:

T. Subbamma, W/o. Venkateswarlu,
R/o. H.No. 9-1-333/2/21, Bapughat Nagar, Langer House,
Hyderabad - 500 008.

..... PETITIONER

AND

1 Artillerty Center, Golconda, Hyderabad, rep by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area At Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection the C.M.A. No. 378 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set aside the same as illegal, constitutional, violative of principles of natural justice under Articles 14, 16, 19(1)(g) 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: SRI A.RAJASEKHAR REDDY, SC FOR CENTRAL GOVERNMENT

WRIT PETITION NO : 10231 of 2004

Between:

G. Kondaiah, s/o Ankaiah,
R/o 9-1-333/2/1/A/26, Bapughat Nagar, Langar House, Hyderabad - 500 008.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, Represented by its Center ADJT.
2 The Estate Officer -cum- Commandant, Head Quarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus

calling for the records relating to and in connection with the C.M.A.No. 351 of 2003 confirming thereunder the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16, 19(1)(g), 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10232 of 2004

Between:

SMT.P. KAMALAMMA W/O O. POOLCHAND
R/o. 9-1-333/2/1/21, Bapughat Nagar, Langer House, Hyd - 500 008.

..... PETITIONER

AND

1 Artillery Center,Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A. No. 370 of 2003 confirming there-under the order passed in case No. 3995/1/ARTY/S/Q3L OF 2003, dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal unconstitutional, vioaltive of principles of natural justice and Articles 14, 16, 19 (1) (g) , 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH,Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10233 of 2004

Between:

R. Rama Laxmi
9-1-333/2/1/A/1, Bapughat Nagar,
Langer House Hyderabad-500 008

..... PETITIONER

AND

1 ARTILLERY CENTER, GOLCONDA HYDERABAD REPRESENTED BY ITS CENTER ADJT
2 THE ESTATE OFFICER CUM-COMMANDANT HEARQUARTERS SUB-AREA AT BOLARAM,SECUNDERABAD.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 381of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH,Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10286 of 2004

Between:

A.Narayana, S/o. Ramulu,
R/o. 9-1-333/2/1/37, Bapughat Nagar, Langur House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Goloconda,
Hyderabad Represented by its Center ADJTt.
2 The State officer-Cum-Commandant, Headquarters Andhra Sub- Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 377 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19 (1) (g) 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10287 of 2004

Between:

Smt. Sulochana, W/o. Yadaiah
R/o. 9-1-333/2/1/15, Bapughat Nagar, Langer House,
Hyderabad- 500 008.

..... PETITIONER

AND

1 Artillery Cenre, Golconda, Hyderabad rep.a by its ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 350 of 2003 confirming thereunder the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19 (1) (g) 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10288 of 2004

Between:

K.Nageswara Rao, S/o. Anantaiah,
R/o. 9-1-333/2/A/2, Bapughat Nagar, Langar House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Rep by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area At Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to an in connection with the C.M.A. No. 360 of 2003 confirming there-under the order passed in Case 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Article 14,16 19(1)(g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH,Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY

WRIT PETITION NO : 10289 of 2004

Between:

E. BASILAL S/O BALAJI,
R/o. 9-1-333/2/A/1/52 , Bapughat Nagar,
Langer House, Hyderabad-500 008.

..... PETITIONER

AND

1 Artillery Center , represented by its Center ADJT,
Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant , Headquarters Andhra Sub-Area ,Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 389of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10290 of 2004

Between:

MRS. A.Kalavathi W/o Ananthaiah
9-1-333/2/1/A/12, Bapu Ghat Nagar,Langur House, Hyderabad.

..... PETITIONER

AND

1 ARTILLERY CENTER , GOLCONDA HYDERABAD
REPRESENTED BY ITS CENTER ADJT
2 THE ESTATE OFFICER CUM COMMANDANT HEADQUARTERS ANDHRA SUB AREA AT BOLARAM, SECUNDERABAD

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus calling for the records relating to and in connection with the C.M.A No.385 of 2003 confirming there-under the order passed in Case No.3995/1/ARTY/S/Q3L of 2003, dt. 11/10/2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional violative of principles of natural justice under articles 14,16,19(1)(g) 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: SRI A.RAJASEKHAR REEDY (SC FOR CG)

WRIT PETITION NO : 10291 of 2004

Between:

Pradeep Singh, S/o. Gullab Singh,
R/o. H.No. 9-1-333/2/1/34, Bapughat Nagar, Langer house,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate officer-cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and connection with the C.M.A.No. 359 of 2003 confirming there-under the order passed in case No. 3995/1/ARTY/S/Q3L of 2003, dated 11.10.2003 on the file of respondent No. 2 herein at the instance of respondent No. 1 and set aside the same as illegal, unconstitutional , violative of Principles of Natural Justice under Articles 14,16,19(1)(g) , 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC FOR CG)

WRIT PETITION NO : 10293 of 2004

Between:

J. BALAIAH S/O. J. CHANDRAIAH
R/O. 9-1-333/2/1/A/24, BAPUGHAT NAGAR, LANGUR HOUSE, HYDERABAD.

..... PETITIONER

AND

1 ARTIILLERY CENTER, GOLCOANDA, HYDERABAD REPRESENTED BY ITS CENTER ADJT.
2 THE ESTATE OFFICER-CUM-COMMANDANT, HEADQUARTERS ANDHRA SUB-AREA AT BOLARAM, SECUNDERABAD.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A. No. 376 of 2003 confirming there-under the order passed in case No. 3995/1/ARTY/S/13L OF 2003, dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal unconstitutional, vioaltive of principles of natural justice and Articles 14, 16, 19 (1) (g) , 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.D.VENKATA REDDY (SC FOR CG)

WRIT PETITION NO : 10294 of 2004

Between:

Mrs.Mallamma, W/o. Vengala reddy,
R/o. 9-1-333/2/1/23, Bapughat Nagar,
Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub- Area at Bolaram ,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 368 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19 (1) (g) 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10296 of 2004

Between:

K.Pentaiah, S/o. Narasaiah,
R/o. 9-1-333/2/A/14, Bapughat Nagar, Langar House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate officer-Cum-Commandant, Headquarters Andhra Sub- Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 383 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19 (1) (g) 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10297 of 2004

Between:

Mr. P. Ramchander , S/o. D.Venkaiah,

R/o. 9-1-333/1/A/23, Bapughat Nagar,
Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center , represented by its Center ADJT,
Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant, Head Quarters Andhra Sub-Area,
Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 355of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10298 of 2004

Between:

Mr.K.Lokeshwar, S/o.K.B.Sudhrshanam,
R/o.9-1-333/2/1A/1, Bapughat Nagar,
Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center , rep: by its Center ADJT,
Golconda , Hyderabad.
2 The Estate Officer-Cum-Commandant, Headquarters Andhdra Sub-Area,
Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 390of 2003 confirming there-under the order passed in Case No.

3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10299 of 2004

Between:

T.Jamuna Bai, W/o.O.T.Uday Singh,
R/o. H.No.9-1-333/2/1/9, Bepughat Nagar,
Langer House, Hyderabad-500 008.

..... PETITIONER

AND

1 Artillery Center, represented by its Center ADJT,
Golconda, Hyderabad.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 384of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10300 of 2004

Between:

R.Shanta, W/o. R.Laxmaiah,
R/o.H.No.9-1-333/2/1/33, Bapughat Nagar,
Langer House, Hyderabad -500 008.

..... PETITIONER

AND

1 Artillery Center , represented by its Center ADJT,
Golconda , Hyderabad.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area,
Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 384of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10301 of 2004

Between:

MR.B.Jagadeeshwar Rao, S/o. Eswaraiah,
R/o. 9-1-333/2/1/A/20, Bapughat Nagar,
Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, represented by its Center ADJT.
2 The Estate officer-cum-Commandant, Headquarters Andhra Sub-Area at
Bolaram, Secunderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 374 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19 (1) (g) 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH,Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10307 of 2004

Between:

MRS. Indira , W/o. Tukaram,
R/o. 9-1-333/2/1/14, Bapughat Nagar, Langur House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate Officer -Cum- Commandant, Headquarters Andhra Sub- Area at Bolaram,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court mayl be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 382 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19 (1) (g) 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10292 of 2004

Between:

G.Nagamani, W/o. G.Krishna,
R/o. H.No.9-1-333/2/1/38, Bapughat Nagar,
Langer House, Hyderabad-500 008.

..... PETITIONER

AND

1 Artillery Center , represented by its Center ADJT,
Golgonda , Hyderabad.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area ,Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 348of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY

WRIT PETITION NO : 10348 of 2004

Between:

Mrs. Geeta Bai, W/o. Kishan Singh,
R/o. 9-1-333/2/136, Bapughat Nagar, Langur House,Hyd.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad represented by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolarum , Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A. No. 362 of 2003 confirming there-under the order passed in case No. 3995/1/ARTY/S/13L OF 2003, dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal unconstitutional, vioaltive of principles of natural justice and Articles 14, 16, 19 (1) (g) , 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10746 of 2004

Between:

Sowbkayanathi S/o Emaniael
R/o 9-1-333/2/1/A18 Bapughat Nagar, Langer House

Hyderabad

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad represented by its Center ADJT.
2 The Estate officer cum Commandant Headquarters Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection with the C.M.A.No.392/2003 confirming there under the order passed in Case No.3995/1/ARTY/S/Q3L of 2003, dt. 11/10/2003 on the file of respondent no.2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14,16,19(1)(g) , 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10747 of 2004

Between:

C.Kannaich S/o Yellaiah
9-1-33/2/1/A/15 Bapughat Nagar, Langar House Hyderabad

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyd represented by its Center ADJT.
2 The Estate Officer Cum Commandant , Headquarters Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection with the C.M.A.No.386/2003 confirming there under the order passed in Case No.3995/1/ARTY/S/Q3L of 2003, dt. 11/10/2003 on the file of respondent no.2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14,16,19(1)(g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10749 of 2004

Between:

Mrs. N. Laxmi, w/o Jangaiah,
R/o 9-1-333/2/1/32, Bapughat Nagar, Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Head Quarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A.No. 380 of 2003 confirming thereunder the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16, 19(1)(g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH,Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10750 of 2004

Between:

D. Narsimhulu, S/o Jagaiah,
R/o 9-1-333/2/1/A/6, Bapughat Nagar, Langer House,Hyderabad - 500 008.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Head Quarters Andhra Sub Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A.No. 350 of 2003 confirming thereunder the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16, 19(1)(g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10751 of 2004

Between:

D. Muttaiah, S/o. Laxmaiah,
R/o. 9-1-365/D/14, Bapughat Nagar, Langur House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad Represented by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 369 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No.1 and to set a side the same as illegal, unconstitutional, violative of Principles of Natural justice under Articles 14, 16 19(G)21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.A.RAJASEKHAR REDDY (SC for CG)

WRIT PETITION NO : 10752 of 2004

Between:

Suren Kumar Rana, S/o Dhuryodan Rana,
R/o 9-1-333/2/1/A/13, Bapughat Nagar, Langar House, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, represented by its Center ADJT.
2 The Estate Officer-cum-Commandant, Headquarters, Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the C.M.A.No. 393 of 2003 confirming thereunder the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16, 19(1)(g), 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10754 of 2004

Between:

R.Sadanand, S/o.Balaiah,
R/o.9-1-333/2/1/A/21 Bapughat Nagar,Langar House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda,Hyderabad.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram,Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of writ of Mandamus calling for the records relating to and in connection with the C.M.A.No.367 of 2003 confirming there-under the order passed in case No. 3995/1/ARTY/5/Q3l of 2003,dated 11-10-2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16 19(1) (g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH,Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10755 of 2004

Between:

M. Latha W/o. Nagesh
9-1-333/2/1/A/5, Bapughat Nagar, Langar House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad represented by its Center ADJT,
2 The Estate Officer-cum-Commandant, Head Quarters Andhra Sub-Area at Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction, more particularly one in the nature of writ of mandamus calling for the records relating to and in connection with the C.M.A. No. 337 of 29003 confirming thereunder the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14, 16, 19 (1)(g),21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10783 of 2004

Between:

Sujatha
H.No.9-1-333/2/1/A/30 Bapughat Nagar, Langer House,
Hyderabad-500 008

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad, represented by its Center ADJIT
2 The Estate Officer- cum-Commandant Headquarters Andhra Sub-Area at Bolaram, Secunderabad

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection with the C.M.A.No.353/2003 confirming there under the order passed in Case No.3995/1/ARTY/S/Q3L of 2003, dt. 11/10/2003 on the file of respondent no.2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14,16,19(1)(g) , 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH , Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10792 of 2004

Between:

Smt. Savitri W/o Krishna
R/o 9-1-333/2/1/36 Bapughat Nagar Langer House, Hyderabad

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad rep by Center ADJT.
2 The Estate Officer-cum- Commandant Headquarters Andhra Sub-Area at Bolaram, Secunderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus calling for the records relating to and in connection with the CMA No. 350 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set a side the same as illegal unconstitutional, violative of Principles of natural justice under Articles 14, 16 19 (1) (g), 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 10798 of 2004

Between:

M.Anasuyamma S/o Mamik Rao
9-1-333/2/1/A/9 Bapughat nagar, Langer House
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hydeabad represented by its Central ADJT
2 The Estate Officer cum Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderbad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection with the C.M.A.No.358/2003 confirming there under the order passed in Case No.3995/1/ARTY/S/Q3L of 2003, dt. 11/10/2003 on the file of respondent no.2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Articles 14,16,19(1)(g), 21 and 300-A of the Constitution of India

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 11081 of 2004

Between:

Gopal S/o. Narayana
R/o. 9-1-333/ Bapughat Nagar, Langar House,
Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golconda, Hyderabad rep. by its Center ADJT.
2 The Estate Officer-cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad..

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, Order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection with the C.M.A. No. 375 of 2003 confirming there under the order passed in case no. 3995/1/ARTY/S/Q3L of 2003 , dt. 11.10.2003 on the file of respondent No.2 herein at the instance of respondent No.1 and to set aside the same as illegal, unconstitutional , violative of principles of natural justice under Articles 14, 16, 19 (1) (g) , 21 and 200 -! of the Constitution of India .

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

WRIT PETITION NO : 11552 of 2004

Between:

T. Ramacher, S/o. Pochaiah,
R/o. 9-1-333/2/A/16, Bapughat Nagar,
Langar Hoursep, Hyderabad.

..... PETITIONER

AND

1 Artillery Center, Golgonda, Hyderabad. represented by its Center ADJT.
2 The Estate Officer-Cum-Commandant, Headquarters Andhra Sub-Area At Bolaram, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS calling for the records relating to and in connection with the C.M.A.No. 347 of 2003 confirming there-under the order passed in Case No. 3995/1/ARTY/S/Q3L of 2003, dated 11-10-2003 on the file of respondent No. 2 herein at the instance of respondent No. 1 and to set aside the same as illegal, unconstitutional, violative of principles of natural justice under Article 14, 16 19(1)(g), 21 and 300-A of the Constitution of India.

For the Petitioner:MR.T.JAGDISH, Advocate

For the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

THE HON'BLE MR JUSTICE A.GOPAL REDDY

W. P. No. 10216 of 2004 and batch

COMMON ORDER:

All these batch of writ petitions have been heard and are being disposed of at the stage of admission since they have common features, common grounds and

common issues raised.

The facts averred in all the writ petitions are common. In view of the same, the facts as averred in WP No.10216/2004 be taken as the basic facts for the purpose of resolving the controversy involved in all the writ petitions.

The petitioner who claims to be landless poor was living in a Government Poramboke land along with other persons in Sy.No.205 of Quilla Mohammed Nagar village, Langerhouse, Hyderabad. He states that he along with other similarly situated persons numbering more than 50 in number were living in the respective extents of land by constructing houses, from time immemorial and the Mandal Revenue Officer, Golconda on due recognition of their occupation, had constructed community hall, laid water pipeline and electricity supply to their respective houses and that they are regularly paying charges for the same. It is also stated that since he is in uninterrupted peaceful possession of the property through their predecessor in title for more than 50 years, he has perfected the title by way of adverse possession also.

On a complaint made by first respondent, the second respondent initiated proceedings against the petitioner by issuing Notice under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short 'the Act'). Petitioner contested the matter before the second respondent by filing counter stating that the land in question is recorded as patta land of Sri Mohsin Bin Ali, Chakali Pentaiah and they are the true owners and pattedars of the land. It is also stated that all the petitioners have constructed residential houses and they were given municipal numbers with electricity connection and that the petitioners and other similarly situated persons are in peaceful and uninterrupted possession of the property through predecessors in title for more than 50 years and that they have perfected title by way of adverse possession. The second respondent after going through the record and the tax receipts, electricity bills, order of assessment issued by MCH, agreement of sale etc., held that the petitioner encroached upon the property belongs to Government of India, and passed order dated 11.10.2003 for eviction of the petitioner along with other similarly situated persons from the respective portions of the land which is in their occupation.

Questioning the same, petitioner filed appeal before the Chief Judge, City Civil Court, Hyderabad stating that the second respondent-Estate Officer without framing

any issues for consideration and without hearing the counsel, passed a proto-type order and that the Estate Officer being a quasi-judicial authority has to follow the procedure in strict compliance of principles of natural justice by affording reasonable opportunity to the petitioner and acting fairly without any bias. It is contended that the lands in question belong to Government of A.P. and the State Government alone can claim the rights over the property and without conducting any survey and demarcation, proceedings were initiated on the premise that the land belongs to Government of India which is unwarranted.

In the counter affidavit filed by the first respondent, it is stated that the land in question is not a poramboke land as claimed by the petitioner and that as per the Military Land Register, an extent of Ac.1005-03 guntas was acquired under Requisition and Acquisition of Immovable Property Act, 1952 for Defence purposes for Artillery Centre, Golconda, Hyderabad under the provisions of Defence Act 1962 and compensation was paid to the original pattedars after approval of Government of India, Ministry of Defence. It is stated that the land so acquired includes land in Survey No.205 admeasuring Ac.13-02 guntas and compensation was paid to the original pattedar Sri Mohsin Bin Ali. It is also stated that the petitioner has encroached the land belonging to Government of India and is liable to be evicted.

The learned Chief Judge framed two points for determination;

1. whether the premises is a public premises? and
2. whether the appellant is unauthorized occupant?

On point No.1, the learned Chief Judge while observing that the land was acquired after publication of notice in Form-J in the Gazette and compensation was also paid to the original pattedar after approval of Government of India, and thereafter the Ministry of Defence has become the owner of the property and the same was registered duly in the Military Land Register, held that it is a public premises; and on Point No.2, held that mere paying municipal taxes or electricity charges will not confer any title on the property and if the appellant has any title, he can approach the competent court for declaration as owner and since he did not do so, held that the appellant is an unauthorized occupant, and accordingly dismissed the appeal.

The legality and validity of the said proceedings are challenged in these batch of

writ petitions on various grounds raising the very same contentions raised before the Chief Judge that the land is a Government Poramboke and there was a dispute with regard to its ownership in a particular survey number and the appellate authority without considering the various contentions raised, dismissed the appeal. It is contended that the second respondent-Estate Officer who is one of the subordinates to the first respondent, cannot pass the order without carrying out the required adjudicatory process and further contends that the petitioner who belongs to poorer and weaker sections of the society living in a single room from the last 50 years and for which municipal authority has also provided necessary amenities, cannot be evicted without following due process of law.

The sum and substance of the grounds raised in the writ petition are that the primary authority without affording reasonable opportunity to the petitioners to substantiate their claims has passed the impugned order, which is in clear violation of principles of natural justice. The appellate authority without framing the appropriate issues on various grounds raised before it, framed only two issues and dismissed the appeal. It is stated that the notices issued in From AA purportedly invoking Section 5A(2) of the Act are not in compliance with the very format issued under the Rules, which cannot be countenanced.

The first respondent in its counter affidavit submits that the Estate Officer has passed the order dated 11.10.2003 after following due procedure as contemplated under Section 4 of the Act by issuing notices to the parties and after conducting due enquiry by providing opportunity to the parties. It is stated that the petitioner was furnished with the documents i.e. notice under Form-A marked as Ex.A1, the official sketch prepared jointly by the State Revenue Department and the Defence Department which were marked as Exs.A2 and A3. It is stated that as per the extract of Military Land Register-Ex.A4, Artillery Centre of Golconda acquired the land admeasuring Ac.1005-03 guntas under the Requisition and Acquisition of Immovable property Act of 1952 for Defence purposes. It is stated that the Estate Officer has rightly followed the due procedure as contemplated under the Act and there is no illegality or irregularity committed in passing the orders and the said order is valid, legal and enforceable in the eye of law and the learned Chief Judge has also confirmed the same and therefore submits that the order does not suffer from any infirmity warranting interference of this Court.

The only submission made by the learned counsel for the petitioner is that the

second respondent-Estate Officer has not provided sufficient opportunity of hearing to the petitioner or to his counsel and on transfer of the previous Estate Officer, the Present Officer who assumed charge after 19.8.2003, straightaway passed the order and the Chief Judge without taking into consideration of the above aspects, has dismissed the appeal. The learned counsel placed reliance on the judgment of this Court in **SMT.G.RAJALAKSHMI v. APPELLATE AUTHORITY, CHIEF JUDGE, CITY CIVIL COURT, HYDERABAD** and also judgment of the Madhya Pradesh High Court in **AYODHYA PRASAD v. UNION OF INDIA** and urged that the Estate Officer has to follow the procedure by giving reasonable opportunity of being heard since he is vested with the powers of Civil Court for holding an enquiry and recording of evidence, and enquiry cannot be an empty formality. Reliance was also placed on the judgment of the apex court in **EXPRESS NEWSPAPERS PVT. LTD. V. UNION OF INDIA,** wherein it was held that ;

> "The Express Buildings constructed by Express Newspapers Pvt. Ltd., with the sanction of the lessor i.e. the Union of India, Ministry of Works and Housing on Plot Nos.9 and 10, Bahadurshah Zafar Marg demised on perpetual lease by registered lease-deed dated March 17, 1958 can, by no process of reasoning, be regarded as public premises belonging to the Central Government under Section 2(e). That being so, there is no question of the lessor applying for eviction of the Express Newspapers Pvt. Ltd., under Section 5(1) of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 nor has the Estate Officer any authority or jurisdiction to direct their eviction under sub-section (2) thereof by summary process. Due process of law in a case like the present necessarily implies the filing of suit by the lessor i.e. the Union of India, Ministry of Works and Housing for the enforcement of the alleged right of re-entry, if any, upon forfeiture of lease due to breach of the terms of the lease".

The learned counsel lastly contends that when the second respondent-Estate Officer

has not provided the necessary documents which were relied on by the Presenting Officer which is in violation of principles of natural justice, and when the adjudicating authority already decided to evict the petitioner with biased mind, which cannot be allowed to continue, and therefore, the matter cannot be remanded to him.

The learned Senior Central Government Standing Counsel submits that in the counter affidavit filed before the second respondent-Estate Officer, the petitioner claimed title through Mohsin Bin Ali by contending that the respondents cannot evict the petitioner until its title is established which is illegal, since the petitioner cannot claim the property which is owned by the Government. He also submits that procedure under Section 5 of the Act is a summary procedure and the validity of which is upheld by the Supreme Court in **KAISER-I-HIND PVT. LTD. v. NATIONAL TEXTILE CORPN. (MAHARASHTRA NORTH) LTD.** In view of the same, the finding of both the Courts below which was rendered concurrently that the first respondent is the owner of the property, cannot be interfered with in exercise of jurisdiction under Article 226 of the Constitution as held by a Division Bench of this Court in **A.RATNAM v. GOVERNMENT OF A.P.** Except the above submission and handing over record, learned Standing Counsel has not made any endeavour to appraise the court the judgment of this Court in **SMT.G.RAJALAKSHMI's** case (1 supra) which has been set-aside by the Division Bench of this Court in **THE AERODROME OFFICER & ANOTHER LV. SMT. G.RAJALAKSHMI & OTHERS.** It is equally unfair and unethical on the part of the learned counsel for the petitioner in citing the judgment, which was set-aside by the Division Bench of this court.

The entire gamut of the arguments of the petitioners is that no hearing has been provided by the Estate Officer before passing the impugned order.

The submission made by the learned counsel for the petitioner has to be considered in the context of two provisions, namely, Section 4, which relates to issue of show cause notice and section 5 which relates to eviction of unauthorized occupants, which read as under:

> **SECTION 4 Issue of notice to show cause against order of eviction**
>
> (1) If the estate officer is of opinion that any persons are in unauthorised occupation of any public premises and that they should by evicted, the estate officer shall issue in the manner hereinafter

provided a notice in writing calling upon all persons concerned to show cause why an order of eviction should not be made.

(2) The notice shall-

a. specify the grounds on which the order of eviction is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are, or may be. in occupation of, or claim interest. in the public premises,-

(i) to show cause, if any, against the proposed order on or before such date as is specified in the notice, being a date not earlier than seven days from the date of issue thereof, and

(ii) to appear before the estate officer on the date specified in the notice along with the evidence which they intend to produce in support of the cause shown, and also for personal hearing, if such hearing is desired.

(3) x x x x x x;

SECTION 5 Eviction of unauthorised occupants

(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under Sec.4and any evidence produced by him in support of the same and after personal hearing, if any, given under Cl. (b) of sub-section (2), of Sec. 41, the estate officer is satisfied that the public premises are in unauthorised occupation, the estate officer may make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by all persons who may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the public premises

(2) If any person refuses or fails to comply with the order of eviction on or before the date specified in the said order or within fifteen days of the date of Its publication under sub-section (1), whichever is later, the estate officer or any other officer duly authorised by the estate officer in his behalf may after the date so specified or after the expiry of the period aforesaid, whichever is later, evict that person from and take possession of, the public premises and may, for that purpose, use such force as may be necessary.

It is not in dispute the show cause notice in Form-A as contemplated under cl.(b) (ii) of sub-section (2) of Section 4 of the Act has been issued to the petitioners, to which, they submitted their explanation in stereo-type. In the said explanation, it is nowhere mentioned that they desire to have a hearing to substantiate their pleas. As per the Noting Sheet, documents and reply were filed by Opposite Party on 9-3-2002. On

16-3-2002, vakalatnama has been filed by Sri Jagadish and Junior Counsel representing Sri Jagadish requested time for advancing arguments. Accordingly, the matter was adjourned to 20-4-2002. On the said date ie., 20-4-2002, none appeared on behalf of the Opposite Party and matter was adjourned for filing the counter and documents to 1-6-2002. On 27-7-2002 Presenting Officer was heard and counsel for the Opposite Party sought time for filing counter and also demanded proof of title of Government. Accordingly, the Presenting Officer was directed to obtain copy of GLR Survey No.205 and copy of Joint Survey Report and furnish the same to the Advocate and matter was directed to be called on 24-8-2004. The matter was adjourned to 28-9-2002 from 24-8-2002. On 28-9-2002, the matter was adjourned to 23-11-2002 at the request of the Opposite Party who seeks two months time on the ground that they intend to approach the State Government for exchange of land. On 23-11-2004, no counter and documents have been filed and matter was adjourned to 7-12-2002. On 7-12-2002, the matter was adjourned finally for hearing to 1-2-2003. On 1-2-2003 both sides advanced their arguments and petitioner's counsel sought time for filing additional documents to be procured from Mandal Revenue Office and for filing written statement. Thereafter the matter was adjourned from time to time. In the meanwhile, Presiding Officer has been transferred in the month of August, 2003. On 11-10-2003 impugned orders were came to be passed. Noting sheets produced by the learned Senior Central Government Standing Counsel clearly disclose that Estate Officer who passed the impugned orders on 11-10-2003 has not fixed a date for hearing before passing the same. But the fact remains, since from 28-9-2002 till the date of passing the impugned order, the petitioner has neither filed any documents nor any written arguments. Questioning the same, the petitioner filed an appeal before the appellate authority ie., Chief Judge, City Civil Court, Hyderabad. Several grounds though raised in the Grounds of Appeal, order passed by the Appellate Authority discloses that only two contentions were raised, namely, premises is not a public premises and there is no evidence to that effect and petitioners were not provided sufficient opportunity of hearing. The appellate court negatived the contentions raised by the petitioners that the premises is not a public premises, in view of the classification of land after publication of notice in Form-J of the land published in the Gazette and compensation was also paid to the original pattedar. On payment of compensation necessary letter was issued delivering property. When once the petitioners were in occupation of the public premises, which vest in the Government of India, the petitioners were in unauthorized

occupation and are liable to be evicted. The Estate Officer after taking note of the counter filed and specific plea taken by them along with the documents filed by the petitioners, which were marked as exhibits, which itself amounts to providing sufficient opportunity to prove their respective cases and accordingly dismissed the appeal.

In spite of the fact that petitioner has not desired of personal hearing in their reply to the show cause notice, sufficient opportunity was given to the petitioner by providing documents sought for by the petitioner, namely, extract of MLR covering MLR S.Nos. 203,204 and 205 and on making available such copies, the petitioners sought two months time on the ground that they intend to approach the State Government for exchange of the land and accordingly the matter was adjourned by two months on 28-8-2002. Thereafter, no documents were filed nor the petitioner evinced any interest in participating in the enquiry except taking time on one pretext or the other. Even after passing the eviction order, though several grounds were raised in the appeal before the appellate authority, no additional documents were filed before the appellate authority to substantiate their plea that matter required to be remanded to the Estate Officer for re-hearing on the material, which are to be produced before the appellate authority. Except contending that premises which is in their occupation is not a public premises and same belong to the Government of Andhra Pradesh and Estate Officer who has assumed office in the month of August, 2003 has not provided sufficient opportunity of hearing, which is in violation of principles of natural justice, they did not evince any interest to substantiate their pleas.

Reliance placed by the petitioner on the judgment of this court in **RAJYALAKSHMI** (1 supra) is a case where an identical issue was cropped up for consideration, whether not providing an opportunity of hearing while passing an eviction order amounts to violation of principles of natural justice. The facts in the said case are the writ petitioner was served with a notice to vacate the premises. Aggrieved by the said notice, the writ petitioner approached the civil court and Civil Court stayed the proceedings. He also approached the High Court and obtained an injunction from being dispossessed pending a revision. In the meanwhile, proceedings were initiated under the Act culminated in passing an eviction order. On appeal, though the appellate authority provided the writ petitioner opportunity of hearing affirmed the

said order. On challenge, this court with the above judgment set-aside the orders of the appellate Authority holding that once primary authority violated the principles of natural justice, the same cannot be cured in appellate stage. On further appeal, learned Judges of a Division Bench of this court in the case of **AERODROME OFFICER** (6 supra) opined that they are inclined to hold that it is not possible to lay down generally that the denial of an opportunity of hearing by the trial body can be cured or not by giving a hearing by an appellate body. They further opined that the question whether a decision reached a trial body without giving an opportunity of being heard and which was upheld by the appellate authority after affording such an opportunity could be interfered with or not by the court under Art. 226 of the Constitution depends upon the facts and circumstances of each case. The exercise of right of appeal is matter, which could be taken into account in considering the grant of the discretionary relief under Art. 266 of the Constitution. In exercising such discretion, the court has to consider the nature of the statute governing the proceedings, nature of the right claimed, whether constitutional, statutory or contractual or otherwise, the conduct of the party complaining of the breach of natural justice and the particular rule of natural justice violated, and the prejudice or harm that might have been caused to the party by such violation and all other facts and circumstances which are germane or relevant, but on merits, after considering the evidence put up by the person who was affected held that it will not warrant the exercise of discretion in favour of the writ petitioner for grant of relief under Art. 226 of the Constitution of India and accordingly allowed the appeal and dismissed the writ petition.

It is well settled that where hearing is obligated by a statute which affects the fundamental right of a citizen, the duty to give the hearing sounds in constitutional requirement and failure to comply with such a duty is fatal. But in ordinary legislation or at common law a Tribunal, having jurisdiction and failing to hear the parties, may commit an illegality, which may render the proceedings voidable when a direct attack is made thereon by way of appeal, revision or review. In the light of the same, proceedings which were initiated under the Act are secondary in nature and personal hearing will be provided if such hearing is asked for in the reply to the show cause notice. The petitioners never requested for a personal hearing to substantiate their plea. In spite of the authorities provided hearing, the petitioners failed to avail the opportunity and dragged on the matter on one pretext or other.

In the light of the law declared in the aforementioned cases, conduct of the parties is also very much essential to consider the submission of the counsel for the petitioner that non-providing opportunity of hearing whether prejudiced the claim of the petitioner. As already observed, no documents, as such were, filed before the appellate authority or before this court to substantiate that proceedings initiated under the Act are unwarranted in view of the title dispute to the land. In their reply before the Estate Officer, it is categorically asserted by the petitioners that revenue records show some persons known as Moshin Bin Ali, Chakali Pentaiah as pattedars and area was never subjected to any kind of survey or settlement and in any event the land in occupation of the recipients of the notices belongs to private persons, it is for them to claim the said land in terms of due process of law and Defence Ministry has no right, title or interest over the said property. But whereas in the Grounds of Appeal before the Appellate Authority, they admitted that their ancestors or present occupants have been in possession of the respective land since more than 40 years and since said possession has not been disturbed for more than 40 years, they perfected their title by prescription. The petitioners raised structures under a bona fide impression that it belongs to Government Poramboke and in the absence of proof that the said land belongs to the Cantonment, no eviction or demolition could have been ordered by the Estate Officer. In the present writ petitions, they came forward with the plea that said area falls in a Government Poramboke and there was a dispute as regards its ownership as falling into a particular survey number between the Government of AP and Ministry of Defence, which is contrary to the stand taken before the Estate Officer.

In **M.C.MEHTA V. UNION OF INDIA** Justice M.Jagannadha Rao speaking for the Bench observing that if on the admitted or indisputable factual position, only one conclusion is possible and permissible, the court need not issue a writ merely because there has been a violation of the principles of natural justice held as under:

> “Before we go into the final aspects of this contention, we would like to state that cases relating to breach of natural justice, do also occur where all facts are not admitted or are not all beyond dispute. In the context of those cases here is a considerable case law and literature as to whether relief can be refused even if the Court thinks that the case of the applicant is not one of "real substance" or that there is no substantial possibility of his success or that the result will not be different, even if natural justice is followed. See Malloch v. Aberdeen Corporation, (1971)

1 WLR 1578, (per Lord Reid and Lord Wilberforce), Glynn v. Keele University, (1971) 1 WLR 87, Cinnamond v. British Airport Authority, 1980 (1) WLR 582 and other cases where such a view has been held. The latest addition to this view is R v. Ealing Magistrates' Court exp. Fannaran, (1996) 8 Admn LR 351 (358) where Straughton L. J. held that there must be 'demonstrable beyond doubt' that the result would have been different. Lord Woolf in Lloyd v. McMahon (1987) 2 WLR 821 (862) has also not disfavoured refusal of discretion in certain cases of breach of natural justice. The New Zealand Court in McCarthy v. Grant 1959 NZLR 1014, however, goes half way when it says that (as in the case of bias), it is sufficient for the applicant to show that there is 'real likelihood - not certainty - of prejudice'. On the other hand, Garner Administrative Law (8th Edition 1996, pp. 271-272) says that slight proof that the result would have been different is sufficient. On the other side of the argument, we have apart from Ridge v. Baldwin (1964 AC 40), Megarry J. in John v. Rees, (1969) 2 WLR 1294, stating that there are always 'open and shut cases' and no absolute rule of proof of prejudice can be laid down. Merits are not for the Court but for the authority to consider. Ackner, J. has said that the "useless formality theory" is a dangerous one and, however inconvenient, natural justice must be followed. His Lordship observed that "convenience and justice are often not on speaking terms". More recently Lord Bingham has deprecated the 'useless formality' theory in R v. Chief Constable of the Thames Valley Police Forces exp. Cotton 1990 IRLR 344, by giving six reasons. A detailed and emphatic criticism of the 'useless formality theory' has been made much earlier in 'Natural Justice, Substance or Shadow' by Prof. D. H. Clark of Canada contending that Malloch and Glynn were wrongly decided. Foulkes (Administrative Law, 8th Ed. 1996, p. 323), Craig (Administrative Law, 3rd Ed. p. 596) and others say that the Court cannot pre-judge what is to be decided by the decision-making authority. DeSmith (5th Ed. 1994 paras 10.031 to 10.036) says Courts have not yet committed themselves to any one view though discretion is always with the Court. Wade (Administrative Law, 5th Ed. 1994, pp. 526-530) says that while futile writs may not be issued, a distinction has to be made according to the nature of the decision. Thus, in relation to cases other than those relating to admitted or indisputable facts, there is considerable divergence of opinion whether the applicant can be compelled to prove that the outcome will be in his favour or he has to prove a case of substance or if he can prove a "real likelihood' of success or if he is entitled to relief even if there is some remote chance of success. We may, however, point out that even in cases where the facts are not all admitted or beyond dispute, there is considerable unanimity that the Courts can, in

exercise of their "discretion", refuse certiorari, prohibition, mandamus or injunction even though natural justice is not followed. We may also state that there is yet another line of cases as in State Bank of Patiala v. S. K. Sharma, (1996) 3 SCC 364 : (1996 AIR SCW 1740 : AIR 1996 SC 1669), Rajendra Singh v. State of M.P. (1996) 5 SCC 460 : (1996 AIR SCW 3424 : AIR 1996 SC 2736), that even in relation to statutory provisions requiring notice, a distinction is to be made between cases where the provision is intended for individual benefit and where a provision is intended to protect public interest. In the former case, it can be waived while in the case of the latter, it cannot be waived.

"We do not propose to express any opinion on the correctness or otherwise of the "useless formality" theory and leave the matter for decision in an appropriate case, inasmuch as, in the case before us, "admitted and indisputable" facts show that grant of a writ will be in vain as pointed out by Chinnappa Reddy, J.

"In our view, on the admitted and indisputable facts set out above, namely, the recall of our earlier order of the Court, it becomes mandatory for the Court to restore the status quo ante prevailing on the date of its first order. Restitution is a must. Further Bharat Petroleum having got back its plot at the Ridge it cannot lay further claim to the one at San Martin Marg which was given to it only in lieu of the Ridge plot. Similarly, HPCL has to get back its plot in San Martin Marg inasmuch, otherwise, it will have none and Bharat Petroleum will have two. Bharat Petroleum cannot retain the advantage which it got from an order of this Court which has since been withdrawn. Thus what is permissible and what is possible is a single view and the case on hand comes squarely within the exception laid down by Chinnappa Reddy, J. in S. L. Kapoor v. Jagmohan (AIR 1981 SC 136)."

The Supreme Court after following the ratio laid down in the case of **M.C.MEHTA** (7 supra) in **CANARA BANK V. DEBASIS DAS** held that Rules of natural justice are not codified canons and concept of natural justice has undergone a great deal of change in recent years. Rules of natural justice are not rules embodied always expressly in a statute or in rules framed thereunder. They may be implied from the nature of the duty to be performed under a statute. What particular rule of natural

justice should be implied and what its context should be in a given case must depend to a great extent on the facts and circumstances of that case, the framework of the statute under which the enquiry is held and remanded the matter for limited purpose to the High Court for examination of the documents by an expert with a liberty to the employee to file originals of the documents on which he relies upon, of which copies were placed before the High Court and Bank shall file originals of the documents on which reliance was placed, if not already done. If the report of the expert is that the documents produced by the employee are genuine, the order of dismissal has to be vacated. In case the originals, as directed, are not filed by the employee or the Bank, the High Court shall pass necessary orders, upholding the order of dismissal or setting aside the order of dismissal, as the case may be.

But in the present writ petitions, the petitioners have not produced any evidence to substantiate their plea that there is title dispute between the Government of Andhra Pradesh and Ministry of Defence over the said property as claimed by them in the WPs, which is not the stand taken before the Estate Officer expect requesting the Estate Officer to adjourn the matter by two months since they are negotiating with the State Government for allotting an alternative land, which itself shows that petitioners are not seriously disputing the title of the land which is in their occupation belong to Ministry of Defence, which was acquired under the Requisitioning and Acquisition of Immovable Property Act as per the findings recorded by the lower appellate court. In view of the same, this court can invoke the useless formality theory and cannot consider the request of the counsel for remanding the matter to the Estate Officer since the petitioners failed to establish failure of justice is occasioned for not affording opportunity of hearing. It is well settled that if primary authority order does not comply with the principles of natural justice, when the same is confirmed in appeal by the appellate authority after providing an opportunity of hearing to the petitioner, it is only the order of the appellate authority that can be questioned and not the order of the primary authority. In other words, when once the order of the primary authority is confirmed by the appellate authority, it gets merged in the order of the appellate authority and thereafter, it is only the order of the appellate authority that can be questioned and not the order of the primary authority. Further post decisional hearing can obliterate the procedural deficiency of a pre-decisional hearing as held by the Supreme Court in **CHARAN LAL SAHU V. UNION OF INDIA** In the absence of any prejudice shown, it is not a fit case where this court can exercise the certiorari jurisdiction for quashing the impugned orders.

The writ petitions fail and are accordingly dismissed. However, the petitioners are granted three months time for vacating their respective land. No costs.

A.GOPAL REDDY,J

DT. 20 –12-2004

DA/KMR

ONE fair copy to the Honourable Mr. Justice A.Gopal Reddy (For His Lordships kind perusal)

To

1 Artillery Center, Golconda, Hyderabad.
2 The Estate officer-Cum-Commandant, Headquarters Andhra Sub-Area at Bolaram, Secunderabad.

3. 2. CCs to the Senior Standing Counsel for Central Government, Hight Court Buildings, Hyderabad (OPU)

4. 2 CDs.

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